



Fiona Cain

Counsel

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PRACTICES Shipping, Shipping Dispute Resolution, Offshore Oil and Gas, Offshore Oil and Gas Dispute Resolution, Energy Litigation, Energy, Power and Natural Resources, Europe, Middle East and Africa, International, International Arbitration, Litigation, Oil and Gas, Oil and Gas Litigation, Autonomous Transportation

Fiona Cain assists clients to resolve disputes in the energy and maritime sectors. She guides her clients through the arbitration or litigation process to achieve a resolution of the issues.

Fiona is the editor of our popular Shipping, LNG, and Offshore Oil and Gas newsletter and a co-author of the chapter on shipbuilding contracts governed by the law of England and Wales in *Lexology Getting the Deal Through – Shipbuilding 2021* (a publication she has contributed to since 2014).

With over 20 years' experience, Fiona has handled a wide variety of contractual disputes for UK and international parties, many involving cross-border issues. She has represented clients in arbitration disputes under the rules of the LMAA, the ICC, the LCIA, and the SCMA, as well as ad-hoc arbitrations and in litigation matters in the Commercial Court and Technology and Construction Court of the Business and Property Courts in London, and at mediation and during settlement negotiations.

She commonly acts for rig and ship owners, oil companies, fabricators and contractors, drilling contractors, and shipyards often in legally and technically complex high-value shipbuilding and offshore construction disputes. She has also instructed overseas counsel to advise and act in foreign proceedings including enforcement of arbitration awards.

Fiona writes extensively for industry and legal publications on a variety of topics related to arbitration and litigation, energy and shipping including autonomous vessels, decommissioning, and offshore windfarms.

QUALIFICATIONS

EDUCATION

- LL.B. (Hons.), Nottingham Trent University Law, 1996

ADMISSIONS

- England and Wales
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SELECTED CLIENT REPRESENTATIONS

- Representing a drilling contractor in LMAA arbitration proceedings arising out of the disputed termination of a MODU construction contract with combined claims in excess of US\$700 million.
- Acted for a major tanker/dry bulk carrier owner in defence of two arbitration claims made against it by the buyers of two vessels sold during construction.
- Acted for a UK-based engineering services company in an arbitration in respect of the supply of the tower fabrication assembly for a pipelaying vessel. The arbitration was to determine a significant final account for the works by their subcontractor including delay and disruption claims, liquidated damages, and variation claims, often related to complex welding issues.
- Acted for one of the world's largest owners of oil/product tankers in proceedings in the Commercial Court in the English High Court against a Korean shipyard, pursuing substantial damages claims for the shipyard's alleged renunciation of an Option Agreement for the construction of up to 12 product tankers. Defended a counterclaim by shipyard that our client breached confidence in respect of a number of associated arbitration proceedings – *Teekay Tankers Limited v STX Offshore and Shipbuilding Co Ltd [2017] EWHC 253 (Comm)*.
- Successfully represented four subsidiaries of one of the world's largest owners of oil/product tankers in connection with claims against a Korean shipyard in respect of losses suffered following the shipyard's repudiation of four shipbuilding contracts. Clients awarded significant damages following an LMAA arbitration. Assisted the clients in respect of enforcement efforts including liaising with Korean Counsel in respect of the shipyard's rehabilitation process in Korea.
- Acted for a drilling contractor in respect of a dispute with a leading supplier of engineering services. The contractor asserted claims in excess of USD10m in respect of losses it contended it had suffered as a result of the supplier's alleged design and planning failures in respect of the project. The supplier counterclaimed in respect of project milestone payments which it contended should have been paid, as well as losses and increased costs allegedly incurred/suffered by it as a result of the drilling contractor having allegedly caused delay/disruption to the project due to a fire, a flood and a release of asbestos.
- Acted for one of the largest corporations in China in a successful London Arbitration (LMAA) pursuing significant claims against the buyers of two semi submersible drilling rigs for the contract price and defending counterclaims for misrepresentation and breaches of contract claims.
- Acted for a major Asian shipyard in an ad-hoc arbitration in London defending a claim for the return of installments paid to the shipyard for the construction of four floating liquefied natural gas production vessels.
- Represented a yard in relation to claims made in an arbitration arising out of the late delivery of a superyacht and alleged misrepresentations and breaches of contract in respect of repair works to the hull coating system.
- Acted for a drilling rig owner in a substantial Singapore-based arbitration arising out of its contract for a major upgrade of a semi-submersible drilling rig with a European shipbuilding and offshore yard. The arbitration related to claims on both sides with an overall amount in dispute of over €50 million. It involved extensive factual evidence as well as technical and quantum expert evidence relating to numerous (145) disputed variations across the range of engineering disciplines, delay and disruption claims, and claims for liquidated damages for delay. The arbitration had two preliminary hearings in Singapore as a result of which the arbitration was successfully settled prior to the final hearing.
- Acted for a European shipyard in a successful appeal of an arbitral award on point of law under section 69 of the Arbitration Act 1996 and a successful challenge under section 68 of the

Arbitration Act 1996 for serious irregularity of an arbitral award - *Van der Giessen-De-Noord Shipbuilding Division BV v Imtech Marine & Offshore BV* - [2008] EWHC 2904 (Comm)

- Acting for an oil and gas major in an ICC arbitration based in Geneva on a dispute arising out of the insolvency of the EPC head contractor at a critical phase in the construction and upgrading of a power and desalination plant in the Middle East.
- Acted for a Singaporean shipyard in relation to the conversion of the Solitaire pipelay vessel. The firm took over the case from a major City law firm after the dispute had been running for a number of years. The arbitration was the largest marine arbitration ever to have taken place in London. Fiona was primarily involved with pursuing the shipyard's variation and delay claims.
- Advising upgrade contractors/project managers in connection with post-completion disputes relating to cost overruns and delays involving two offshore projects (an FPSO conversion and FSO newbuild) with a major Brazilian energy company in the Commercial Court - *Braspetro Oil Services Co and another v FPSO Construction Inc and another* [2005] EWHC 1316 (Comm).